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valley of Geer, provinces of Liège and Limbourg. The third essay, (156 pages), by de Pélidray and others, describes the situation in the shoemaking industry in the Flemish regions.

Such studies on a uniform scheme enable the student to make comparisons with conditions in other situations at home and abroad. The value of the materials to the legislators of Belgium must be very great. The picture of a transitional, rural, and household industry, half-decayed and ready for the factory system, is in strong contrast with ordinary American conditions.

C. R. H.

Historical Jurisprudence: An Introduction to the Systematic Study of the Development of Law. By GUY CARLETON LEE. New York: The Macmillan Company, 1900. 8vo, pp. xv + 517.

DR. LEE treats, in separate chapters, of the legal systems of Babylonia, Egypt, Phœnicia, Israel, India, and Greece, including them all in Part I, to which he gives the general title "The Foundations of Law." Part II is entitled "The Development of Jurisprudence," and gives a historical treatment of the growth of early Roman Law and the Justinian Code, closing with a brief description of the Canon Law and the Barbarian Codes. In Part III the introduction of Roman Law in the continental countries is described. The final chapter discusses the beginning of the English legal system.

The historical study of jurisprudence may be pursued in either of at least two ways. On the one hand, it may be made a historical account of the development of different legal systems; on the other, it may be treated from an evolutionary standpoint, the growth of law being regarded as a process by which certain principles have been developed from a few elementary and fundamental ideas. It is the first of these two modes of treatment that has been adopted by Dr. Lee in the book before us, and his work therefore amounts merely to a series of more or less disconnected monographs dealing with the various systems of law of which he takes account. Yet this purely descriptive method does not seem to have been the one originally contemplated by the author.

Historical Jurisprudence deals with law as it appears in its various forms and at its several stages of development. It holds fast the thread which binds together the modern and the primitive conceptions of law, and seeks to

trace, through all the tangled mazes which separate the two, the line of connection between them. . . . Historical Jurisprudence . . . does not attempt to set forth all laws and customs which may be found in ancient and modern savage tribes. . . . The systems which are selected are either those which have contributed to the great stream of scientific jurisprudence or those which flow from it. They are grouped around the jurisprudence of Europe and of the countries which owe to it their civilization. (P. 6.)

The main criticism to be passed upon Dr. Lee's book is that in writing it he has hardly lived up to the ideal that he set before himself in the foregoing excerpt. As he himself observes: "The manner in which a work upon Historical Jurisprudence treats its subject must be determined by the method by which it traces the rise and diffusion of legal conceptions." This is true, and it is because of the fact that his method does not permit such a tracing of the rise and diffusion of these conceptions that the work must be found wanting. Dr. Lee in fact seems to lose sight of his own standards, for he later remarks (p. 10, 11): "If, when the common principles have been embodied in a code and made the subject of scientific study, the transmission modification and adoption, in whole or in part, of that *code* or *systematized body* of *law* have been described, the duty of the writer will have been fulfilled." This transition from the notion of Historical Jurisprudence as a study holding fast the thread which binds together the modern and the primitive conceptions of law, to that of one describing the transmission, modification, and adoption of a code implies the whole world-wide difference between a biological investigation and a mere series of photographs.

Let us turn to Dr. Lee's work as a collection of historical monographs. Perhaps the least satisfactory treatment is found in the chapters on Roman Law. Here the author has apparently had more and better material to draw from than elsewhere, yet his discussion is far from being the best work to be found in the volume. There are three chapters: one on early Roman Law; one on the development during the period of the republic; and one on the law of the empire. These are succeeded by a chapter on the Law of the Christian Empire and one on the Justinian Code. The space is too scant to permit any improvement upon the numerous brief treatments of the same subject which are readily to be found. It is just here, where the subject-matter is familiar to the student of law and jurisprudence that the weakness of the author's method becomes thoroughly apparent. Space does not

allow him to add to existing information, nor has he pointed out errors in older discussions, or shed light upon mooted questions. What he might have done would have been to correlate the development of Roman Law with that of the older systems and to trace carefully the growth of certain universal ideas. It is thus because of the many careful writers upon the same topic, who have preceded him, that his work lacks value, while he has failed to import into it the vitality of new conceptions.

More successful are chapters xv and xvi, which deal with the Reception of Roman Law and with English Law. In five sections (chapter xv) Dr. Lee deals with the introduction of Roman Law into Italy, Germany, France, Spain, and Scotland. The section on Germany refers also to the development of the Austrian legal system, and is certainly the best of the five.

Little if any material of fresh interest appears in the chapter on English Law. The earlier part of the chapter, moreover, is marred by some inaccuracies or oversights. The theory of the "mark" system is accepted without question and with a mere passing reference to the possible "philological" incorrectness of the term. Some errors on technical points appear from time to time, but the general treatment is interesting. Perhaps the most attractive passages are those which deal with the work of Bracton and its relation to the Roman Law.

There is no bibliography, and citations are not as numerous as could be wished, but the index is careful in giving titles and authors. So far as can readily be judged, however, there has been scant opportunity to investigate sources, though the best authorities have been consulted. The work is not a *Quellen-Studium*; yet it contains much clear exposition and analysis of the forms and ideas of the various legal systems considered.

H. PARKER WILLIS.

Die Währungs- und Bankreform in den Vereinigten Staaten von Amerika (Schriften des Vereins zum Schutz der deutschen Goldwährung. Band II.) von DR. MAX PRAGER. Berlin: J. Guttentag, 1900. 8vo, pp. vi + 145.

DR. PRAGER'S timely account of the changes in the American monetary system appears under the auspices of the German counterpart of our "Sound Currency Committee." The first third of the slender